

REMARKS

In the last Office Action, claims 8, 9 and 25-28 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement due to the recitation in base claims 8 and 9 that the LEDs are periodically turned on and off based on operation of the boosting circuit. As correctly noted by the Examiner, the LEDs are periodically turned on and off based on operation of the switch control circuit. Claims 1-4, 6, 7, 10, 12-17, 24 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,628,252 to Hoshino et al. ("Hoshino") in view of U.S. Patent No. 6,486,726 to Worley, Sr. et al. ("Worley"). Claim 4 was objected to for reasons noted by the Examiner.

The claim objections and prior art rejections made in the previous Office Action were withdrawn.

In accordance with this amendment, independent claim 8 has been amended to delete the recitation that the LEDs are periodically turned on and off based on operation of the boosting circuit, and independent claim 9 has been amended to likewise delete the recitation that the LEDs are periodically turned on and off based on the operation of the boosting circuit and instead claim 9 has been amended to include recitation of the switches connected to the LEDs and the

switch control circuit for controlling the switches and, as noted by the Examiner, to recite that the LEDs are periodically turned on and off based on operation of the switch control circuit. To provide a meaningful basis for the recitation of the switch control circuit in claim 9, the claim has been amended to include recitation of switches connected to the LEDs. As presently amended, claims 8 and 9 overcome the rejection under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. As currently worded, the claims comply fully with the requirements of 35 U.S.C. §112 and with the written description in the specification.

Claims 1-7, 11-24 and 29 have been canceled, thereby leaving only claims 8-10 and 25-28 pending in the application.

The prior art rejection of claims 1-4, 6, 7, 10, 12-17, 24 and 29 is based on the references to Hoshino and Worley. Hoshino is effective as a reference as of its U.S. filing date, which is May 9, 2001. Similarly, Worley is effective as a reference as of its U.S. filing date, which is May 18, 2001. The present application claims the benefit of priority of Japanese Patent Application Nos. 2001-032261 filed February 8, 2001 and 2002-020623 filed January 29, 2002. The earlier-filed Japanese priority application antedates both Hoshino and Worley, and thus to the extent that independent

claims 8-10 are supported by the disclosure in Japanese Patent Application No. 2001-032261 filed February 8, 2001, this priority application antedates both Hoshino and Worley as references against these claims. Applicants are procuring a sworn English translation of Japanese Patent Application No. 2001-032261 and will submit the same promptly by supplemental amendment to antedate Hoshino and Worley.

In view of the foregoing, applicants respectfully request that the Examiner defer acting on this amendment after final pending the filing of a certified copy and sworn English translation of Japanese Patent Application No. 2001-032261, which will antedate the Hoshino and Worley references and thereby overcome the prior art rejection.

In view of the foregoing, favorable reconsideration
and allowance of the claims are respectfully requested.

Respectfully submitted,

ADAMS & WILKS
Attorneys for Applicants

By: 

Bruce L. Adams
Reg. No. 25,386

50 Broadway - 31st Floor
New York, NY 10004
(212) 809-3700

MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: MS AF, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Debra Buonincontri

Name

Debra Buonincontri

Signature

October 12, 2004

Date